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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,769	12/26/2000	Ippo Aoki	04329.2483	9942
22852	7590	02/22/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			DAO, MINH D	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,769

Applicant(s)

AOKI ET AL.

Examiner

MINH D DAO

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tyneski et al. (US 5,584,054).

Regarding claim 3, Tyneski teaches a radio communication apparatus (see fig. 1, handset 100) comprising:

means for transmitting a radio signal (see figs. 1 and 2, antenna 110 of handset 100);

means for processing information (see col. 2, lines 3-7);

means for receiving an instruction (see fig. 1, hinge 106; col. 2, lines 8-13); and

means for enabling the processing means and the radio signal receiving means when the apparatus is switched on (see fig. 2; col. 2, lines 50-55), and for enabling the transmitting means when the instruction receiving means thereafter receives a predetermined instruction (see col. 2, lines 50-55, in this once flap 104 of the handset is closed, the handset is used as a cordless phone and therefore is able to transmit signals).

Regarding claim 8, the claim has the same limitations as that of claim 3, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 3.

2. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Chmaytelli (US 6,233,464).

Regarding claim 7, Chmaytelli teaches a radio communication apparatus (see fig. 2, item 200) having a first mode in which the apparatus emits radio waves (wireless phone 206 is on) and a second mode in which the apparatus does not emit radio waves (wireless phone 206 is off), comprising: means for receiving an instruction (see fig. 2, stylus holder 106, action trigger 202, and switch 204); and means for enabling the first mode when the apparatus is switched on (see col. 2, lines 10-16, in this case, once the wireless phone is on, the transmitter is enabled), and for enabling the second mode when the receiving means thereafter receives a predetermined instruction (see col. 2, lines 10-16, in this case, once the wireless phone is off, the transmitter is disabled).

3. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (US 6,122,486).

Still regarding claim 7, Tanaka teaches a radio communication apparatus (see fig. 1, radio communication terminal 1) having a first mode (see col. 2, lines 33-40, the releasing of transmission interruption) in which the apparatus emits radio waves and a second mode (see col. 2, lines 33-40, the transmission interruption) in which the apparatus does not emit radio waves, comprising: means for receiving an instruction (see fig. 1, antenna 4 and radio unit 5); and means for enabling the first mode when the

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apparatus is switched on (transmission of the phone is on before entering the restricted area), and for enabling the second mode when the receiving means thereafter receives a predetermined instruction (transmission of the phone is interrupted once the phone has entered the restricted area).

Response to Arguments

4. Applicant's arguments filed on 11/08/2004 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao *MD*
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January 6, 2005


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

1/10/05